REMARKS

Claims 1-3, 18-20, and 36-67 were presented for examination, of which claims 1, 18, 28, and 39 are withdrawn from consideration. In an Office action dated January 12, 2009, claims 2, 3, 19, 20, 36, 37, and 40-67 were rejected. Claim 36 is amended herein to more distinctly claim Applicants' invention.

Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the above Amendment and following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

Response to Rejection Under 35 USC § 112, Paragraph 2

The Examiner has rejected claims 2, 3, 19, 20, 36, 37, and 40-67 under 35 USC § 112, ¶ 2 as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Specifically, claim 36 recites "receiving a search query" and claim 37 similarly recites "program code for receiving a search query." The Examiner asserts that the claims should include references to both an "implicit query operation" and an "explicit query operation" and cites to paragraphs [0017] and [0050] of Applicants' specification as support for the rejection. Office Action dated Jan. 12, 2009 ("OA") at ¶ 7. This rejection is now traversed.

MPEP 2164.08(c) states that the entire disclosure must be considered when determining whether an unclaimed feature is critical. Additionally it states that a rejection "on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the

invention to function as intended." Here, there is no basis in the specification for requiring the claims to recite both an implicit and an explicit query operation. Rather, the specification clearly describes how received query can be either an explicit or an implicit query.

Paragraph [0017], for example, recites that a search engine "can receive an explicit query from the user 112a or generate an implicit query and it can retrieve information from the data store 140 in response to the query." Paragraph [0050], similarly, recites that "…the query system 132 receives a search query" and that "[t]he query can be an explicit query or an implicit query." Thus, it is clear from the specification that a query is received, and this query can be either an explicit or an implicit query.

Accordingly, there is no basis in the specification for the Examiner's assertion that recitations of both implicit and explicit queries are essential to the claims. At most, the specification states that a query is received and information is retrieved in response to the query. The specification never requires that the query be either an implicit or an explicit query. Claims 36 and 37 each already recite limitations involving receipt of a search query, and Applicants therefore request that the Examiner withdraw the § 112 rejection.

Response to Rejection Under 35 USC 101

The Examiner rejected claims 2, 3, 36, and 40-53 under 35 USC § 101 as allegedly directed to unpatentable subject matter. This rejection is traversed. Claim 36 has been amended and now reads, "A computer-implemented method for processing media files using a computer, comprising…" As amended, it is clear that the method of claim 36 is performed using a computer. The claim is therefore tied to another statutory class and recites patentable subject matter. Dependent claims 2, 3 and 40-53 incorporate the limitations of their

respective base claims and are statutory for at least the same reasons. Applicants request that the Examiner withdraw the rejection.

Response to Rejections Under 35 USC 103(a)

The Examiner rejected claims 36, 37, 40-53, and 54-67 under 35 USC § 103(a) as allegedly being unpatentable over *Instantly Indexed Multimedia Databases of Real World Events* to Pingali et al. ("Pingali") in view of U.S. Patent No. 6,708,293 to Kaler et al. ("Kaler"). This rejection is traversed.

As amended, claim 36 recites steps including:

> …capturing the at least one event upon the occurrence of the event by **queuing** event data associated with the event at a position in a **queue**;
> indexing and storing at least some of the event data and the media file associated with the event **at a time after the occurrence of the event**, wherein the time is based on performance data indicating a **readiness** to process the event and the position in the **queue**;…

Thus claim 36 recites capturing at least one event upon occurrence of the event by queuing event data at a position in a queue, and indexing and storing at least some of the event data at a time after the occurrence of the event. The time at which the indexing occurs is based on performance data indicating a readiness to process the event and the position in the queue.

Pingali, to the contrary, does not disclose or suggest queuing event data in a queue or indexing at a time after the occurrence of the event. Rather, the entire disclosure of Pingali describes how Pingali's system indexes events immediately upon the occurrence of the event. For example, the title of the article is "Instantly Indexed Multimedia Databases of Real World Events" which demonstrates that the whole point of Pingali's method is that the indexing happens instantly, rather than at a time after the occurrence of the event. The Abstract of Pingali similarly states that Pingali introduces:

> a new paradigm for real-time conversion of a real world event into a rich multimedia database by processing data from multiple sensors observing events. Real-time analysis of the sensor data tightly coupled with domain knowledge, results in instant indexing of multimedia data *at capture time*." (emphasis original)

Further, the last sentence of the first full paragraph of page 270 states very clearly, "We propose a different approach—**instantly** indexing multi-media **during** capture to convert a real world event into a digital library in real time." (emphasis added)

Given the nature of Pengali's system, the reference does not disclose or suggest queuing event data in a queue or indexing the event data **at a time after the occurrence of the event**, as claimed. The Examiner provides a variety of citations to Pengali to justify the rejection, but none of the cited portions discloses or suggests these claim limitations. For example, the Examiner points to the Abstract of Pingali as disclosing queuing event data at a position in a queue. OA at ¶ 9. As stated previously, those sentences of the Abstract do not mention a queue and describe a method of "instant indexing" rather than queuing event data for indexing after occurrence of the event.

The Examiner additionally points to the mention of data selection in Section VII A on p. 275, activity map-based indexing on page 279 and user semantic indexing criteria in Section II on page 270 as disclosing "indexing and storing at least some of the event data and articles associated with the event at a time after the occurrence of the event, wherein the time is based on performance data indicating a readiness to process the event and the position in the queue." OA at ¶ 9.

The data selection in Section VII A on p. 275 of Pingali describes how queries are created in order to present, to the user, a virtual version of the event. The queries can be based on a specific window of time in the tennis match, a score, statistics, geographic space,

etc. All of this however refers to queries to retrieve data that have already been indexed. It does not describe the indexing process and therefore, certainly does not disclose that the events and associated event data are indexed based on performance data.

Activity map-based indexing, described on page 279 of Pingali, describes the events of a tennis match being indexed in such a way that activity maps can be generated by the user using the data selection described earlier in Pingali. This portion of Pingali also does not disclose that the time at which the events are indexed is based on performance data indicating readiness to index the events.

Sections II and III on pages 270-271 of Pingali describe how the method disclosed in Pingali indexes video by analyzing the activity of the scene captured by the video. The passage goes on to describe the architecture used to implement the method. Nowhere does it mention that the events to be indexed are in a queue and then indexed based on performance data. To the contrary, the first paragraph of Section II of Pingali reiterates the emphasis on instant indexing. The last sentence of the paragraph states "We propose a different approach – **instantly** indexing multi-media data **during** capture to convert a real world event into a digital library in **real time**" (emphasis added). The architecture described in Section III of Pingali does not mention a queue in which to place events so that they can be indexed at a later time.

Therefore Pingali does not disclose, "capturing the at least one event upon the occurrence of the event by queuing event data associated with the event at a position in a queue" or "indexing and storing at least some of the event data and the media file associated

with the event at a time after the occurrence of the event, wherein the time is based on performance data indicating a readiness to process the event and the position in the queue."

In fact, Pingali teaches away from the claimed method. The focus of Pingali is on real-time indexing, i.e. indexing at the time of capturing event data. Pingali frequently emphasizes the real-time indexing through the use of italics. *See, e.g.,* Pingali at Par. 1 of Abstract and Par. 1 of Introduction. The purpose of Pingali's system is to allow viewers of sporting events to watch virtual replays and analysis as quickly as possible as the event is ongoing. Pingali at Par. 2 of Abstract. Therefore, a person of ordinary skill in the art confronted with Pingali would not be led to using a queue to index at a time after the occurrence of the event, as claimed.

Kaler does not remedy the deficiencies of Pingali. Kaler discloses analyzing performance of a data processing system but makes no mention of indexing or queuing. Therefore Kaler does not disclose "capturing the at least one event upon the occurrence of the event by queuing event data associated with the event at a position in a queue" or "indexing and storing at least some of the event data and the media file associated with the event at a time after the occurrence of the event, wherein the time is based on performance data indicating a readiness to process the event and the position in the queue."

Accordingly, the cited references do not teach or suggest every limitation of independent claim 1. Therefore, a person of ordinary skill in the art considering the references in combination would not find the claimed invention obvious. Further, a person of ordinary skill in the art would not be motivated to combine Pingali with Kaler to arrive at the

claimed invention because Pingali teaches away from queuing events to be indexed and indexing at a time after occurrence of the event.

Independent claim 37 is not obvious for at least the same reasons. The dependent claims incorporate the elements of their base claims, and are likewise not obvious in view of the references.

Applicants respectfully submit that for at least these reasons claims 36, 37, 40-53, and 54-67 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

Conclusion

In sum, Applicants respectfully submit that all claims now pending are patentable over the cited references for at least the reasons given above. Applicants request reconsideration of the basis for the rejections of and objections to these claims and request allowance of them.

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If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
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